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## THE TERRITORY OF COLORADO

It is commonly taken for granted that the Kansas-Nebraska legislation of 1854 settled the territorial question in the United States, and that the territorial question itself was only a single phase of the larger question of slavery. The tyranny of the slavery problem over the historical mind has completely subordinated the problem of the expansion of the agricultural West, the settlement of new areas, and the providing of adequate institutions of government for the citizens of the frontier. The erection of the territory of Colorado in 1861 is itself proof that slavery was not in its own day destructive of interest in all other topics, however it may have impeded their consideration, and is an illuminative precedent in showing the manner in which territorial problems have been forced upon Congress and ultimately adjusted.

The acquisition of the southwest at the treaty of Guadalupe-Hidalgo in 1848 extended the legal frontier of the United States far beyond the frontier of actual settlement and compelled Congress to give serious thought to the subdivision of large and relatively uninhabited areas of public lands. The act of May 30, 1854, which has commonly been misunderstood as saying the last important word upon the territorial question, merely marked the end of the earliest period of preliminary adjustment. The residuum of the Louisiana purchase and the lands acquired through the Mexican War were at last distributed among two states, California and Texas, and four territories. The two territorial organizations of New Mexico and Utah covered the whole area between California and the Rocky Mountains, while the fortieth parallel divided most of the unorganized area east of the mountains into Kansas and Nebraska territories.

The distribution in effect at the end of the session of 1854 was only preliminary, and within three years Congress had begun to consider the division of three of these territories, Nebraska, Utah, and New Mexico, whose gigantic size precluded the rigorous execution of law by single territorial establishments. In the first session of the thirty-fifth Congress, 1857-1858, it was finally proposed to divide two of these territories, creating Arizona in the western end of New Mexico and Nevada in the western end of Utah;<sup>1</sup> while the next session brought a bill to erect Dakota in the northern end of

<sup>1</sup> *Congressional Globe*, 35 Cong., 1 Sess., pp. 62, 2090.

Nebraska.<sup>1</sup> The division was required by various facts of population and migration. The location of the great Pacific trails, the discovery of silver-mines, the willingness to restrict the territory of the Mormons, all appear as inspiring a further subdivision of the scantily populated West.

The Congress of 1857-1858 passed no laws for the erection of new territories in the areas marked out in the debates. There is some internal evidence throughout these and later debates that the young sponsors of the new Republican party were interested in territorial development as a means of continuing the antislavery argument which all parties had agreed in 1854 to forget. But whatever may have been the motives underlying the agitation, the arguments make entirely clear the facts that the boundaries of 1854 were only temporary and that the great, shapeless territories must some day be divided. The session of 1857-1858 contented itself with the suggestion of two new territories of Nevada and Arizona; when the same Congress met for its second session in 1858-1859, two more new territorial projects, those of Dakota and Jefferson, had been added to its list.

In the migrations to the far West, beginning to be heavy in the forties, the two principal routes had branched from the Missouri River near its northern bend on the western boundary of the state of Missouri. From this point the northern or Oregon route had run westwardly along the Platte, the southern or Santa Fé route along the Arkansas. And at the one hundred and second meridian the two trails were already two hundred and fifty miles apart, and were deviating still further to the northwest and southwest respectively.<sup>2</sup> The angle between the trails covered the heart of the "great American desert", which Major Long had described in 1820 as utterly uninhabitable for man, and which men had since 1820 been willing to take at the word of the explorer. It was this uninviting, uninhabited area which in the fall of 1858 appeared before Congress. It demanded not a slicing up of existing great territories, but a new grouping of lands taken out of the crest of the Rockies and in part

<sup>1</sup> *Globe*, December 21, 1858, p. 159.

<sup>2</sup> An act of Congress of May 19, 1846, provided for the erection of forts along the Oregon route. Fort Kearney was established on the Platte 310 miles west of Fort Leavenworth, and Fort Laramie 337 miles beyond Fort Kearney, in 1848. *Ex. Doc.* 5, 31 Cong., 1 Sess., Serial 569, pp. 94, 225. Fort Kearney became the most important post on the northern route and was not abandoned until 1871. *House Ex. Doc.* 12, 43 Cong., 2 Sess., Serial 1164. Lieutenant-colonel William Gilpin was on July 20, 1847, detailed to a station near the crossing of the Arkansas to keep the peace along the Santa Fé trail. *Ex. Doc.* 1, 30 Cong., 1 Sess., pp. 136, 139.

from every one of the territories of the central and south west. To this area those who advocated the new project gave the name of the Territory of Jefferson.

Since the discovery of gold in California and the rush of the forty-niners along the overland trails there had always been bodies of prospectors scattered over the mountain region. Rumors of gold discoveries in the desert triangle had been heard early in the fifties, while the panic of 1857 sent fresh bands of men to try their luck in the great game. In the year 1858 numerous parties were exploring the lands between the Arkansas and the Platte, and the arrival at Omaha on January 5, 1859,<sup>1</sup> of several quills filled with gold-dust proved to the Missouri settlers that success had rewarded the prolonged search, and started a new westward movement of large proportions to the Pike's Peak country.

The city of Denver, named for the governor of Kansas territory, became the settlement around which the Pike's Peak country grouped itself in the winter of 1858-1859. Boulder and Golden, Colorado City and Pueblo became secondary centres, each situated as Denver was, at a point from which trade and travel branched from the great trails and entered the valleys leading to the mining-camps.<sup>2</sup>

As early as June, 1858, the forks of the South Platte and Cherry Creek were being examined by prospectors. As the summer and fall advanced more adventurers appeared; the names of Montana, Highland, Auraria, and St. Charles came to designate settlements in the vicinity of the forks; and by November the inclusive name of Denver was heard.<sup>3</sup>

In a governmental way the new camp of Denver was situated in Arapahoe County, Kansas. But Arapahoe County had never been organized, and remained only a name until after the legislature of Kansas abolished it in February, 1859.<sup>4</sup> The settlers themselves saw from the start that the five hundred miles of trail between the diggings and the territorial capital forbade protection from as well

<sup>1</sup> *Transactions and Reports of the Nebraska State Historical Society*, II. 315. One of the men mentioned as bringing the gold, Albert B. Steinberger, was elected a delegate to Congress by the Auraria meeting of November 6, 1858. He deserted his mission and never reached Washington. His later romantic career in a Pacific kingdom is described in *House Ex. Doc.* 161, 44 Cong., 1 Sess., Serial 1691, 125 pp.

<sup>2</sup> An old military trail connecting Fort Union and Fort Laramie ran through some and within easy distance of all these towns. Jerome C. Smiley, *History of Denver* (Denver, 1901), 229.

<sup>3</sup> The best detailed account of these earliest settlements is found *ibid.*, 200 *et seqq.*

<sup>4</sup> Helen G. Gill, "The Establishment of Counties in Kansas", *Kansas Historical Collections*, VIII. 452.

as interference by that government, and that their political salvation lay nearer home. They saw that four territorial governments were involved in the Pike's Peak country, and that the country was in itself an economic unit. It was this understanding which pressed upon Congress early in 1859 with a new territorial scheme, and which even earlier than this had produced a spontaneous political activity in the mountain camps.

The beginnings of Colorado politics are to be found in the movement originating in Denver in November, 1858, and culminating in the territorial organization of Jefferson in November, 1859. The origin seems to have been in a typical early snowfall that drove the miners into their cabins in November, 1858, and by enforcing idleness upon them gave an opportunity for talking politics.<sup>1</sup> Perhaps two hundred miners were in Denver when the snowfall came, of whom some thirty-five attended a meeting on November 6, and determined to erect a new government for the Pike's Peak country. "Just to think", wrote one of them, "that within two weeks of the arrival of a few dozen Americans in a wilderness, they set to work to elect a Delegate to the United States Congress, and ask to be set apart as a new Territory! But we are of a fast race and in a fast age and must prod along."<sup>2</sup> To secure an attention to their demand they chose one Hiram J. Graham to appear in their behalf at Washington, and one A. J. Smith to represent them in the legislature of Kansas.<sup>3</sup> The arrival of these men in Omaha seems at once to have confirmed the report of the discovery of placer gold in the western streams and to have announced the birth of a new centre of population. Four months after this first election a new political whim struck Denver camp, and a set of local officers was chosen March 28, 1859, for Arapahoe County, Kansas, in spite of the fact that Kansas had on February 7, 1859, foreseen the coming emigration, reshaped Arapahoe, and cut out of it five new counties of Montana, Oro, El Paso, Fremont, and Broderick.<sup>4</sup> The only significance of this March election, for its officers seem never to have held power, lies in the fact that nearly eight hundred votes were then cast. Already

<sup>1</sup> Ovando J. Hollister, in his *Mines of Colorado* (Springfield, Mass., 1867), 17, is responsible for the statement that ten inches of snow fell on October 31, 1858.

<sup>2</sup> *Ibid.*, 18.

<sup>3</sup> *Ibid.*, 90; Smiley, 305, 530; Frank Fossett, *Colorado: a Historical, Descriptive and Statistical Work on the Rocky Mountain Gold and Silver Mining Region* (Denver, 1876), 17; Frank Hall, *History of the State of Colorado* (Chicago, 1889-1895, 4 vols.), I. 208; H. H. Bancroft, *History of the Pacific States*, vol. XX., *Nevada, Colorado, and Wyoming* (San Francisco, 1890), 402.

<sup>4</sup> Smiley, 246, 531; Hall, I. 183; Bancroft, 402; Baskin and Co., *History of the City of Denver, Arapahoe County, and Colorado* (Chicago, 1880), 187.

the heavy migration of 1859 had begun to throw its thousands along the trails to Denver. Whether these thousands were sixty or one hundred, no one can tell to-day; but it is certain that after half or more of them had gone home in disgust there remained in Jefferson nearly thirty thousand settlers to reiterate the demand that Congress provide a government for them and to maintain their provisional territory for the interim.

The mission of Hiram J. Graham to the second session of the thirty-fifth Congress failed to produce either an enabling or a territorial act. His arrival in Washington in January, 1859, was followed by the appearance of his territorial scheme in the House when A. J. Stephens introduced a bill for the erection of Jefferson Territory.<sup>1</sup> Grow of Pennsylvania moved to amend the name to Osage, and when it was reported back from the Committee on Territories on February 16, it was tabled without any serious discussion or opposition.<sup>2</sup> The fate that had postponed the erection of new territories in 1858 continued to postpone in 1859 when Jefferson had been added to the list. Slavery debate forbade territorial legislation, and the single scheme which had a real population behind it was left without local or legal government, and was forced to find its way through 1859 until the next session of Congress might perhaps attend to business and provide for it a legal frame.

The migration of 1859 multiplied the population of Denver many times and increased the need for orderly government as well by the character as by the number of its inhabitants. A knowledge that no aid from Congress could be had for at least a year revived the local movement until it induced a group of pioneers to hold a caucus, with William Larimer in the chair, on April 11, to consider the local situation.<sup>3</sup> As a result of this caucus a call issued for a convention of representatives of the neighboring mining-camps to meet in the same place four days later. And on April 15, 1859, the camps of Fountain City, El Dorado and El Paso, Arapahoe, Auraria, and Denver met through their delegates, "being fully impressed with the belief, from early and recent precedents, of the power and benefits and duty of self-government", and feeling an imperative necessity "for an immediate and adequate government for the large population now here and soon to be among us . . . and

<sup>1</sup> His petition was presented in the Senate on January 27. *Cong. Globe*, 35 Cong., 2 Sess., p. 621. Stephens reported bills in the House for Dakota, Arizona, and Jefferson territories on January 28, 1859. *Ibid.*, 657.

<sup>2</sup> *Ibid.*, 1065.

<sup>3</sup> Hall, I. 184; Smiley, 306; Bancroft, 403.

also believing that a territorial government is not such as our large and peculiarly situated population demands".<sup>1</sup>

The deliberations thus informally started ended in a formal call for a constitutional convention to meet in Denver on the first Monday in June for the purpose, as an address to the people stated, of framing a constitution for a new "State of Jefferson". "Shall it be", the address demanded, "the government of the knife and the revolver, or shall we unite in forming here in our golden country, among the ravines and gulches of the Rocky Mountains, and the fertile valleys of the Arkansas and the Platte, a new and independent State?"<sup>2</sup> With a generosity characteristic of the frontier the convention determined the boundaries of the prospective state as the one hundred and second and one hundred and tenth meridians of longitude, and the thirty-seventh and forty-third parallels of latitude—an area including, in addition to the present state of Colorado, large portions of Utah and Nebraska and nearly half of Wyoming. The arrival in Denver, a week after this convention, of William N. Byers was important in that it brought an active advocate of statehood into the field, and produced on April 23 the first number of the *Rocky Mountain News*.<sup>3</sup>

When the statehood convention, called on April 15, met in Denver in June 6, the time was inopportune for concluding the movement, for large numbers of the pioneers who had rushed out over the plains for "Pike's Peak or Bust" were already on their disconsolate way back, "busted". The first reputation of the diggings was based upon light and exaggerated discoveries of placer gold; when productive lodes came into view they called for more capital and experience than most of the early prospectors possessed.<sup>4</sup> The

<sup>1</sup> The first issue of the *Rocky Mountain News*, April 23, 1859, contains an account of these meetings and texts of the resolutions and addresses. The newspaper at once becomes an invaluable source. Smiley, 306-309.

<sup>2</sup> The address was drawn by a committee of five, and was printed in the *Rocky Mountain News*, May 7, 1859. Smiley, 309.

<sup>3</sup> The State Historical and Natural History Society of Colorado has in its collection a file of the *Rocky Mountain News* which is substantially complete, and which has been used in the preparation of this paper. Byers reached Denver April 21 with his printing outfit. He had prepared for prompt issue by printing in Omaha two pages of his first four-page sheet. But even thus the honor of the first issue in Colorado is contested by John L. Merrick's *Cherry Creek Pioneer*. Both papers appeared first on April 23, 1859, Merrick's first being also his last, for Byers at once bought him out and gained control of the field for himself. Smiley, 247-248; Hall, I. 184; Bancroft, 527, has a useful note upon Colorado journalism.

<sup>4</sup> Horace Greeley visited Denver, arriving June 6, 1859. Horace Greeley, *An Overland Journey, from New York to San Francisco, in the Summer of 1859* (New York, 1860), 137.

height of the gold boom was over by June, and the return migration made it somewhat doubtful whether any permanent population would be left in the country to need a state. So the convention met on June 6, appointed some eight drafting committees, and adjourned, to await developments, until August 1.<sup>1</sup> But by the first of August a line had been drawn between the confident and the discouraged elements in the population, and for six days the convention worked upon the question of statehood. As to permanency, there was by this time no doubt; but the body divided into two nearly equal groups, one advocating immediate statehood, the other shrinking from the heavy taxation incident to a state establishment and so preferring a territorial government with a federal treasury to meet the bills. The body, too badly split to reach a conclusion itself, compromised by preparing the way for either development and leaving the choice to public vote. A state constitution was drawn up on one hand;<sup>2</sup> while on the other was prepared a memorial to Congress praying for a territorial government;<sup>3</sup> and both documents were submitted to a vote on September 5, 1859, when the memorial was chosen instead of the constitution.<sup>4</sup> Upon October 3 another election was held, pursuant to the memorial, and a delegate to Congress was chosen in the person of Beverly D. Williams, who was local agent of a new Leavenworth and Pike's Peak Express Company which had run its first coach into Denver in May,<sup>5</sup> and whose zeal for mail contracts may have inspired some of his earnestness for Congressional countenance.

The adoption of the territorial memorial failed to meet the need for immediate government or to prevent the advocates of such government from working out a provisional arrangement pending the action of Congress. These advocates held a mass-meeting in Denver on September 24,<sup>6</sup> while on the day that Williams was elected to Congress, October 3, they also elected delegates for a preliminary territorial constitutional convention, and upon

<sup>1</sup> Smiley, 277; Hall, I. 208; Bancroft, 404, gives lists of officers; *Rocky Mountain News*, June 11, 1859.

<sup>2</sup> Byers, in an editorial, *ibid.*, July 23, had supported the statehood argument by reference to the admission clause in the Louisiana treaty of 1803.

<sup>3</sup> The *Rocky Mountain News* printed on August 6 the journal of the convention; on August 13 the constitution; and on August 20 the memorial.

<sup>4</sup> Smiley, 311; *Rocky Mountain News*, September 17, reports the vote.

<sup>5</sup> Smiley, 251; Alice Polk Hill, *Tales of the Colorado Pioneers* (Denver, 1884), 41; Alexander Majors, *Seventy Years on the Frontier* (Chicago and New York, 1893), 165, 228; Majors was a member of the great freighting firm of Russell, Majors, and Waddell, which was ultimately wrecked when the "Pony Express" which had been started in April, 1860, collapsed.

<sup>6</sup> *Rocky Mountain News*, September 29; Smiley, 312.



October 10 this convention met. "Here we go," commented Byers, "a regular triple-headed government machine; south of 40 deg., we hang on to the skirts of Kansas; north of 40 deg., to those of Nebraska; straddling the line, we have just elected a Delegate to the United States Congress from the 'Territory of Jefferson', and ere long, we will have in full blast a provisional government of Rocky mountain growth and manufacture."<sup>1</sup> In this convention of October 10, 1859, the name of Jefferson was retained for the new territory, the boundaries of April 15 were retained, and a government similar to the highest type of territorial establishment was provided for.<sup>2</sup> If the convention had met pursuant to an enabling act, its career could not have been more dignified. It adopted a constitution with little trouble, and then dissolved after calling an election for territorial officers for October 24, 1859. The election of this day seems to have been orderly and generally participated in, for the need of government was obvious. It resulted in the choice of a legislature and an executive staff headed by Governor Robert W. Steele of Ohio.<sup>3</sup> Two weeks later Steele met his assembly and delivered his first inaugural address.

The territory of Jefferson, which thus came into existence on November 7, 1859, is one of the most illuminating incidents in the history of the American frontier. From the days of the State of Franklin<sup>4</sup> the frontiersman has always resented his isolation, and upon receiving evidence of governmental neglect has always been ready to erect his own government and care for himself in a political way. There are many incidents in the history of statehood movements in which settlement has rushed forward more rapidly than legal institutions, with results in the erection of illegitimate provisional governments. But none of these illegitimate governments has been erected more deliberately or conducted with more propriety than this territory of Jefferson. The fundamental principle of American government which Byers expresses is applicable at all times in similar situations:

We claim [he wrote in his *Rocky Mountain News*] that any body, or community of American citizens, which from any cause or under any circumstance, is cut off from, or from isolation is so situated, as not

<sup>1</sup> *Rocky Mountain News*, October 6.

<sup>2</sup> Hollister, 92; Smiley, 314; Bancroft, 406; text in *Rocky Mountain News*, October 20.

<sup>3</sup> Binkley and Hartwell, *Southern Colorado* (Canon City, 1879), 5; Smiley, 315.

<sup>4</sup> George Henry Alden, "The State of Franklin", in *AMERICAN HISTORICAL REVIEW*, VIII. 271-289; see also the Clarksville (Indiana) Resolves, *ibid.*, II. 691-693.

to be under any active and protecting branch of the central government, have a right, if on American soil, to frame a government, and enact such laws and regulations as may be necessary for their own safety, protection, and happiness, always with the condition precedent, that they shall, at the earliest moment when the central government shall extend an *effective* organization, and laws over them, give it their unqualified support and obedience.<sup>1</sup>

And the life of the spontaneous commonwealth thus called into existence is a creditable witness to the American instinct for orderly government.<sup>2</sup>

When Congress met in December, 1859, the provisional territory of Jefferson was in operation, while its delegates were in Washington pressing the need for governmental action. One of the agents, B. D. Williams, was elected on October 3, 1859;<sup>3</sup> the other, George M. Willing,<sup>4</sup> claimed to be the regular choice at this election, and though apparently not recognized at Washington, reiterated the arguments of Williams and the territorial memorials. Both houses of Congress gave some heed to the facts thus presented. They received from President Buchanan on February 20, 1860, a message transmitting the petition from the Pike's Peak country,<sup>5</sup> and bills to meet the demand were at least introduced into each house. The Senate upon April 3 received a report from the Committee on Territories introducing Senate Bill No. 366, for the erection of Colorado territory;<sup>6</sup> while Grow of Pennsylvania reported to the House on May 10 a bill to erect in the same region a territory of Idaho.<sup>7</sup> The name of Jefferson disappeared from the project in the spring of 1860, its place being taken by sundry other names for the same mountain area. Several weeks in the spring were given in part to debates over this Colorado-Idaho scheme as well as to the older

<sup>1</sup> *Rocky Mountain News*, January 4, 1860.

<sup>2</sup> F. L. Paxson, "The Territory of Jefferson: a Spontaneous Commonwealth", in *University of Colorado Studies*, III. 15-18.

<sup>3</sup> A memorial of January 4, 1860, describes this election. *House Misc. Doc.* 10, 36 Cong., 1 Sess., Serial 1063, p. 7. The text of his certificate of election is in *Rocky Mountain News*, August 29, 1860.

<sup>4</sup> Two letters written by Willing to Lewis Cass, Secretary of State, are in the Department of State, Bureau of Rolls and Library, in a volume of territorial papers marked, Minn., Neb., Ore., Wyom., Col., D. C., Kan., Mich., Miscellaneous, and are brought to the writer's attention through the courtesy of W. G. Leland, Esq., of the Carnegie Institution, Department of Historical Research.

<sup>5</sup> Richardson, *Messages and Papers of the Presidents*, V. 580; *Sen. Ex. Doc.* 15, 36 Cong., 1 Sess., Serial 1027; *Cong. Globe*, 36 Cong., 1 Sess., p. 841, February 20, 1860; p. 871, February 23.

<sup>6</sup> *Ibid.*, 1502.

<sup>7</sup> *Ibid.*, 2047, 2066, 2077. The memorials of Williams had been presented in the House by Green Adams of Kentucky, on February 15. See under that date *ibid.*, 789; *House Journal*, Serial 1041, 283.

Dakota, Nevada, and Arizona territories. As in the past sessions of Congress, the debate was less upon the need for the erection of several territorial governments than upon the attitude which any bills should take upon the slavery issue. In the demands of the Republican leaders in the territorial debates from 1858 to 1867 can be measured the advance of antislavery attitude, from exclusion of slaves through guaranties to free negroes, and up to the abolition of the "white" clause in the franchise qualification. This obsession of Congress by the slavery debate precluded territorial legislation in the years 1859 and 1860, but the session ended with the reasonableness of one of the demands well presented. In a secondary way the governmental argument was strengthened by petitions for the service of the mails, for post-roads from Fort Laramie to Golden City and from Atchison to Denver. And though on May 12 all of the territorial bills were tabled for the session,<sup>1</sup> the need for them was clearer than it had been at any time since the passage of the Kansas-Nebraska Bill in 1854.

The territory of Jefferson, as organized in November, 1859, had been from the first recognized as merely a temporary expedient. The movement for it had gained weight in the summer of that year from the probability that it need not be maintained for many months. When Congress, however, failed in the ensuing session of 1859-1860 to grant the relief for which the pioneers prayed, the wisdom of continuing for another year the life of a government admitted to be illegal came into question. The first session of its legislature had lasted from November 7, 1859,<sup>2</sup> to January 25, 1860. It had passed comprehensive laws<sup>3</sup> for the regulation of titles in lands, water, and mines, and had adopted civil and criminal codes. Its courts had been established and had operated with some show of authority. But the services and obedience to the government had been voluntary, no funds being on hand for the payment of salaries and expenses. One of the pioneers from Vermont wrote home, "There is no hopes [*sic*] of perfect quiet in our governmental matters until we are securely under the wing of our National Eagle."<sup>4</sup>

<sup>1</sup> *Cong. Globe*, 36 Cong., 1 Sess., 2079-2085.

<sup>2</sup> The *Rocky Mountain News* had the text of Steele's message in its issue of November 10, 1859. It is also found in *House Misc. Doc.* 10, 36 Cong., 1 Sess., Serial 1063, pp. 11-15.

<sup>3</sup> *Provisional Laws and Joint Resolutions Passed at the First and Called Sessions of the General Assembly of Jefferson Territory, Held at Denver City, J. T., November and December, 1859, and January, 1860. Published by Authority* (Omaha, N. T., Robinson and Clark, 1860, pp. 298). The writer knows of the existence of only two copies of this pamphlet.

<sup>4</sup> *Early Day Letters from Auraria (now Denver) Written by Libeus Barney to the Bennington Banner, Bennington, Vermont, 1859-1860* (Denver?, n. d., pp. 88), 54.

In his proclamation calling the second election Governor Steele announced that "all persons who expect to be elected to any of the above offices should bear in mind that there will be no salaries or per diem allowed from this territory, but that the General Government will be memorialized to aid us in our adversity".<sup>1</sup> Upon this question of revenue it was that the territory of Jefferson was wrecked. Taxes could not be collected, since citizens had only to plead grave doubts as to legality to evade payment. "We have tried a Provisional Government, and how has it worked?" asked William Larimer in announcing his candidacy for the office of territorial delegate. "It did well enough until an attempt was made to tax the people to support it."<sup>2</sup> More than this, the real need for the government became less apparent as 1860 advanced, for the scattered communities learned how to obtain a reasonable peace without it. American mining-camps are peculiarly free from the need for superimposed government. The new camp at once organizes itself on a democratic basis, and in mass-meeting registers claims, hears and decides suits, and administers summary justice. Since the Pike's Peak country was only a group of mining-camps, there proved to be little immediate need for central government, for in the local mining-district organizations all of the immediate needs of the communities could be satisfied. So loyalty to the territory of Jefferson, in the districts outside Denver, waned during 1860, and by the summer of that year its moral influence had virtually disappeared. Its administration held together, however. Governor Steele made efforts to rehabilitate its authority, holding an election on October 22, 1860, to choose a second legislature.<sup>3</sup> On November 12 he met his second assembly, he himself having been re-elected by a trifling vote, to continue the tradition of the territory. From November 12 to November 27 it sat at Denver; then until December 7 it continued its sessions at Golden. And upon this last day it dissolved itself forever.<sup>4</sup>

When the thirty-sixth Congress met for its second session in December, 1860, the Jefferson organization was in the second year of its life, yet in Congress there was no more immediate prospect of territorial action than there had been since 1857. Indeed, the election of Lincoln brought out the eloquence of the slavery question with a renewed vigor that monopolized the time and strength of

<sup>1</sup> Proclamation of September 18, in *Rocky Mountain News*, September 19, 1860.

<sup>2</sup> Letter of August 21, *ibid.*, August 22, 1860.

<sup>3</sup> Bancroft, 410; Smiley, 321; Hall, I. 249.

<sup>4</sup> Hollister, 123.

Congress until the end of January. And had not the departure of the southern members to their states cleared the way for action, it is highly improbable that even this session would have produced results of importance.

Grow had announced in the House on December 12, 1860, a general territorial platform similar to that which had been under debate for three years.<sup>1</sup> Until the close of January the southern valedictories held the floor, but at last the admission of Kansas on January 29, 1861, revealed the fact that pro-slavery opposition had departed and that the long-deferred territorial scheme could have a fair chance.<sup>2</sup> On the very day after Kansas was admitted, with its western boundary at the twenty-fifth meridian from Washington, the Senate revived its Bill No. 366 of the last session and took up its deliberation upon a territory for Pike's Peak.<sup>3</sup> Only by chance did the name Colorado remain attached to the bill. Idaho was at one time substituted for Colorado, but was amended out in favor of the original name on February 4 as the bill passed the Senate.<sup>4</sup> The boundaries were materially cut down from those which the territory had provided for itself. Two degrees were at once taken from the north of the territory, and after some hesitation over the Green River the western boundary was placed at the thirty-second meridian from Washington.<sup>5</sup> In this shape, between the thirty-seventh and forty-first parallels, and the twenty-fifth and thirty-second meridians, the bill passed the Senate on February 4, the House on February 18, and received the signature of President Buchanan on February 28.<sup>6</sup> The absence of serious debate in the passage of this Colorado act is excellent evidence of the merit of the scheme and the reasons for its being so long deferred.

On February 28, 1861, the territory of Colorado became a legal fact; Buchanan left it to his successor to erect the territorial establishment. President Lincoln, after some delay caused by pressure of business at Washington, commissioned General William Gilpin as first governor of the territory. Gilpin had long known the mountain frontier; he had commanded a detachment on the Santa Fé trail in the forties, and had written prophetic books upon the future of the country to which he was now sent. His loyalty was unquestioned, and his readiness to assume responsibility went so

<sup>1</sup> *Cong. Globe*, 36 Cong., 2 Sess., p. 81.

<sup>2</sup> Leverett W. Spring, *Kansas* (Boston, 1885), 266.

<sup>3</sup> *Cong. Globe*, 36 Cong., 2 Sess., p. 639.

<sup>4</sup> *Ibid.*, 729.

<sup>5</sup> F. L. Paxson, "The Boundaries of Colorado", in *University of Colorado Studies*, II. 87-94.

<sup>6</sup> *Cong. Globe*, 36 Cong., 2 Sess., pp. 729, 777, 1003, 1206, 1274.

far as perhaps to cease to be a virtue. He arrived in Denver at his new post on May 29, 1861,<sup>1</sup> and within a few days was ready to take charge of the territory and to receive from the hands of Governor Steele<sup>2</sup> such authority as remained in the provisional territory of Jefferson.

FREDERIC L. PAXSON.

<sup>1</sup> Hall, I. 266 ; Fossett, 106.

<sup>2</sup> Steele issued a proclamation recommending the citizens to remain "loyal and true" to the federal government on May 23, *Rocky Mountain News*, May 29, 1861. He handed over the government to Gilpin on June 6. Smiley, 321, 322.